

Transcript

June 26, 2013

Attorney General Martha Coakley:

Good afternoon everybody, Massachusetts Attorney General Martha Coakley. With me, to my left, Executive Director of the ACLU Carol Rose, to my right is Maura Healey, who is our Bureau Chief here and the Chief Arguer before the Federal Court in the First Circuit, successfully I would note, and to her right is Gary Buseck of GLAD.

Today is a day of celebration. We have waited a long time for today's decision, and it is a victory, not just for fairness and equality, but most importantly, it is a victory for families across Massachusetts and this country. Effective today, all of the federal protections that are available to married couples in Massachusetts will be available to all married couples in Massachusetts and forever forward. We are pleased with this result and I am happy to be here today with GLAD, Mary Bonauto who is not with us today, but Gary and Mary who have worked so hard on this litigation successfully in this circuit. I'm proud to have stood with the same-sex couples in Massachusetts who had the determination and courage to be parties to this suit. We're joined by one of those couples here today, Darrell and Tom Hopkins are with us, and we're so delighted that they have joined in this battle and that we've been able to get this result that they will feel immediate positive effects starting today. So thank you to Darrell and Tom. I also want to recognize the terrific work done by the ACLU, as you know, in the case in New York, which was the case decided today. The ACLU provided counsel for Edie Windsor.

Now when we first filed this case four years ago, people said it would be an uphill battle, but we knew that we were right to engage in this battle for Massachusetts. We knew that we were right on the law, and I think today we know that we are on the right side of history. And it has been interesting as we have made our arguments, filed our briefs, to see the momentum across the country accepting that same-sex marriage equality should be the law.

With today's Supreme Court ruling striking down the so-called Defense of Marriage Act, the highest court has declared what we've always known to be true. There should be no second-tier or second class marriages in this country. The language of Justice Kennedy echoed the arguments that our office and GLAD made throughout the case. And I want to just briefly read you some of that language from the court's landmark decision today. And I quote: "DOMA undermines both the public and private significance of state's sanctions same-sex marriages. For it tells those couples, and all the world, that otherwise valid marriages are unworthy of federal recognition. This places same-sex couples in the unstable position of being in a second-tier marriage. The differentiation demeans the couple, whose moral and sexual choices the Constitution protects and whose relationship the state has sought to dignify."

When you think about this decision, however, I want you to think beyond just the legal aspects of this. I want you to think of the families and the couples that will now ensure the rights and the blessings of marriage which they deserve. Think of veterans who can now be buried together with their

spouses in our military cemeteries. Think of the wife who can now take medical leave to care for the love of her life. And think of the people who no longer will be denied social security and other important fundamental federal protection simply because they married someone they love.

Now that DOMA has been struck down, we know that many couples and families will have questions about their rights and benefits. Our office is prepared to assist with those questions. We've set up information on our website, which we encourage people to visit. We in our civil rights division will have a dedicated hotline to call with questions and concerns. And you will help us also determine what issues we need to resolve as quickly as possible.

We believe that everybody should be able to marry the person that they love. In Massachusetts and across the country, we have learned that the institution of marriage is only strengthened when we embrace marriage equality. Today's decision is another step on that march to equality for the whole country. Thank you.

GLAD Legal Director Gary Buseck:

Thank you Attorney General Coakley. I want to add just a few brief comments and some kudos, which may take a little longer.

This is certainly an historic day. It comes almost exactly ten years after GLAD won the case of *Goodridge vs. Department of Public Health*, for which our commonwealth became the first state in the nation to allow same-sex couples to marry. And that milestone became the basis upon which a challenge to the federal Defense of Marriage Act became possible for the first time.

It was a very satisfying victory today at the Supreme Court. Justice Kennedy's opinion demonstrates that at least the majority completely understood the pernicious consequences of a law that, in Justice Kennedy's words, "had a principle purpose to impose inequality." Liberty and equality require that all married couples be treated with equal dignity.

We want to congratulate Edie Windsor and her attorneys at the New York law firm of Paul Weiss led by Robbie Kaplan, and her attorneys at the ACLU led by James Essex. I also want to particularly congratulate Attorney General Coakley and Maura Healey and John Miller and the rest of their team over the years. Their courage in filing a challenge to DOMA in 2009 that highlighted clearly how DOMA interfered with the marital status that Massachusetts had opened to all citizens, surely contributed to the court's understanding today of why DOMA had to fall.

A shoutout to my colleagues at GLAD, particularly Mary Bonauto who is in D.C. right now. Mary and our team at GLAD engineered the legal theory that the majority today adopted as their own map for eviscerating this horrible statute. And the DOMA team at GLAD included a huge investment of time, treasure and talent from the Boston law firm of Foley Hoag and Sullivan & Worcester and the District of Columbia firms of Jenner & Block and Cater Parks. And a shout out to all the married couples and widowers in Massachusetts, Connecticut, New Hampshire, Vermont who had the courage to stand up and tell their stories in court. As the plaintiff in GLAD's two DOMA challenges filed in federal court here

in the commonwealth and in Connecticut. Their cases are actually still pending at the court and should get a technical resolution perhaps as soon as tomorrow.

I'd like to mention three more things if you'd indulge me for a moment. With respect to the Prop 8 case in California, can I call it perhaps oxymoronically a disappointing victory. It is a victory for sure in that it will surely mean marriage for same-sex couples in California. Disappointing in that we all firmly believe that what the Perry plaintiffs requested, recognition of a federal constitutional right of same-sex couples to marry throughout this country is the only correct reading of the constitutional text. But that result will have to wait another day. Congratulations though to Ted Olsen and David Boies and the city of San Francisco for their tremendous work that helped educate any entire nation about marriage equality.

Second, DOMA is dead and that is great. Now that the federal government has to implement that decision of lots of same-sex couples have thousands of questions about what this means for them. GLAD and ten other organizations have prepared a series of 14 fact sheets to start to answer questions under a variety of federal programs, such as tax and social security. Those fact sheets are being released today at 2 p.m. and you can surely find them at www.glad.org and countless other places.

Third and finally, as we celebrate today, I think it would be remiss if we did not note that there is a lot of work yet to do on many civil rights fronts. As the decisions of the Supreme Court this week alone show, we have challenges ahead on many issues of racial justice as well as with issues involving sexual orientation and gender identity. Thank you very much.

ACLU Executive Director Carol Rose:

Hello I'm Carol Rose, executive director of the ACLU of Massachusetts and on behalf of the ACLU both here in Massachusetts and nationwide, I am so proud to announce this historic victory for equal marriage and equal rights for all people under the law throughout the country. You know, these battles aren't done by one group alone, they're really a movement that we're apart of and so we really have to say thank you to Attorney General Coakley for the incredible national leadership that she's provided on the issues on equality under the law for same-sex couples, as well as to our ally partners GLAD, Gay and Lesbian Political Caucus, Freedom to Marry, the many groups that have made these victories possible.

I'm proud that this was an ACLU case, on behalf of Edie Windsor, in conjunction with Paul Weiss, the Stanford Law School Clinic, and the NYCLU because it shows that we work in coalition and we work effectively in coalition, and we must continue to do this to take the victories that are won at the state level and make them nationwide victories. So today what we won was the ability to say that there cannot be discrimination for same-sex couples under federal law for couples that are legally married in their states. And now we have to take that victory and take it to all fifty states in the Union. The ACLU, which has offices in every single state in the country, is uniquely poised to work with our coalition partners in every state at the local level to help bring that marriage victory, that equality victory, to every person who wants to marry the person they love in this country. So even though today was a victory to stop discrimination, tomorrow the work begins on making sure the equal rights that we appreciate and enjoy here in Massachusetts are extended to our brothers and sisters in every state in

the land, and that is the work that lies ahead of us. I want to also just say on the Prop 8 case, on the Perry case, even though that was not an ACLU case to be clear, I think it's really important to mention that now there are 13 states and the District of Columbia where people can be married. If you think about the momentum that's on our side as of last October only eleven percent of American people lived in a free marriage state.

Today, thirty percent of Americans live in states that have freedom to marry. The momentum is on our side. We began this work in Massachusetts the ACLU brought its first LGBT equality case in 1936 here in Massachusetts we brought the first federal freedom to marry case in 1970. We won interracial marriage equality in 1967 in the Leding case, and today I am so proud the ACLU played a role in defending Edie Windsor's right to marry the person she loved without facing any federal discrimination and that those same equal rights under the law will now be extended to all same-sex couples who are legally married in America and to ensure that everyone who wants to marry the person they love in all fifty states will now be our next task. And I'm so proud to be able to work with such fine people like Attorney General Coakley, like GLAD, like Maura Healey and others and all of you who are able to make this work possible. So thank you very much.